

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE SUBJECT SEX OFFENDERS REGISTRATION ACT	EFFECTIVE DATE 07/01/2011	NUMBER 01.06.115
	SUPERSEDES 01.06.115 (12/01/06)	
	AUTHORITY MCL 28.721, et seq.; 791.203; 791.236	
	ACA STANDARDS NONE	
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POLICY STATEMENT:

Certain offenders convicted of identified offenses are required to be registered with the Michigan State Police (MSP) and pay a registration fee pursuant to the Sex Offenders Registration Act. They also are required to report information, including any change of address, as set forth in the Act.

POLICY:

GENERAL INFORMATION

- A. The Sex Offenders Registration Act (MCL 28.721, et seq.) requires certain offenders convicted of identified offenses to register with the MSP and to pay a one-time registration fee. This includes those assigned to youthful trainee status before October 1, 2004 subject to Paragraph B and those placed on delayed sentencing. The Act also requires that MSP or local law enforcement be notified whenever a registered offender changes his/her address. Registered offenders also are required to verify their address with MSP or local law enforcement at specified intervals and to report as otherwise required under the Act.
- B. Certain offenders convicted as a juvenile for identified sex offenses, and offenders who have successfully discharged from youthful trainee status to which they were assigned prior to October 1, 2004, may petition the court to modify their registration and reporting requirements under the Sex Offenders Registration Act. If the petition is granted, a copy of the order will be provided to the offender and MSP. MSP is solely responsible for removing registration and other information on its Sex Offender Registry database as necessary to comply with the order. The offender shall be registered and required to report only as set forth in the order; however, if the offender is subsequently convicted of any other felony on or after July 1, 2011, the offender shall be registered and required to report under the Act if the original offense would require registration under current registration requirements.
- C. A nonresident of this state who commits an offense requiring registration shall be registered as set forth in this policy; however, the nonresident is not required to comply with Michigan reporting requirements while residing in another state but instead shall be required to comply with reporting requirements in the state of residence. The nonresident is required to have his/her photograph taken as required by the Sex Offenders Registration Act.

REGISTRATION REQUIREMENTS

- D. An offender from another state who is required to register or otherwise be identified as a sex or child offender or predator under a comparable statute of that state must be registered in Michigan.
- E. An offender must be registered for conviction of an offense identified on Attachment A, including for a substantially similar offense in another jurisdiction, if one of the following applies:
 1. The offender was convicted in Michigan after October 1, 1995 but before July 1, 2011 for the offense.
 2. On or after October 1, 1995, the offender was on probation or parole in Michigan, in a Michigan jail or a Department correctional facility, under the jurisdiction of the Juvenile Division of the

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Probate Court or the Family Division of a circuit court, or committed to the Department of Human Services for the offense, regardless of the date of conviction for the offense. This includes offenders whose probation or parole supervision was transferred to Michigan through the Interstate Compact.

- F. An offender must be registered for a conviction of an offense identified on Attachment B, including for a substantially similar offense in another jurisdiction, if one of the following applies:
1. The offender was convicted in Michigan on or after September 1, 1999 but before July 1, 2011 for the offense.
 2. On or after September 1, 1999 but before July 1, 2011, the offender was on probation or parole in Michigan, in a Michigan jail or Department correctional facility, under the jurisdiction of the Juvenile Division of the Probate Court or the Family Division of a circuit court, or committed to the Department of Human Services for the offense, regardless of the date of conviction for the offense. This includes offenders whose probation or parole supervision was transferred to Michigan through the Interstate Compact.
 3. On September 1, 1999, in another state or country, the offender was on probation or parole, in jail or in any other correctional facility, under the jurisdiction of a court that handles matters similar to those handled by the Family Division of Michigan circuit courts, or committed to an agency with the same authority as the Department of Human Services for the offense, regardless of the date of conviction for the offense.
- G. An offender must be registered for a conviction of an offense identified on Attachment C, including for a substantially similar offense in another jurisdiction, if one of the following applies:
1. The offender is convicted in Michigan on or after July 1, 2011.
 2. The offender was previously convicted of a listed offense for which s/he was not required to be registered and is convicted of any other felony on or after July 1, 2011.
 3. On or after July 1, 2011, the offender's probation or parole supervision is transferred to Michigan through the Interstate Compact.
- H. The MSP Sex Offender Registry database shall be used to determine if an offense is substantially similar to an offense requiring registration. MSP shall be consulted if the offense is not identified on the MSP Sex Offender Registry database but questions remain as to whether the offense is substantially similar to an offense requiring registration based on available information regarding the offense.
- I. If the sentencing court orders in writing that an offender requiring registration not be registered, the agent shall comply with the court's order and not register the offender, unless already registered. The Deputy Director of Field Operations Administration (FOA) or designee shall be notified whenever such an order is received. If the offender was already registered and it is determined that the offender should not have been registered, the FOA Deputy Director or designee shall ensure that MSP is notified of the need to delete the registration information from the MSP Sex Offender Registry database. Notification shall be as set forth in Paragraph HH.
- J. Registered offenders are required to pay a one-time registration fee unless temporarily waived by the appropriate law enforcement agency due to indigency. Beginning July 1, 2011, the registration fee is \$50. If incarcerated, the offender is not required to pay the fee until s/he is released. If not incarcerated, the offender is required to pay the fee as part of the registration process. The fee will be collected either by the law enforcement agency having jurisdiction over where the offender lives or the nearest MSP post designated to receive or enter sex offender registration information; staff shall not collect a registration fee from any offender.

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FOA

- K. Probation agents shall ensure that offenders are registered after conviction in Michigan for an offense requiring registration. Registration must be completed before the offender is sentenced or placed on delayed sentencing for the offense and noted in the "Evaluation and Plan" section of the Pre-Sentence Investigation Report. When probation is possible, the probation agent shall recommend to the court that a special condition of probation be added requiring the offender to comply with the Sex Offenders Registration Act.
- L. Probation and parole agents shall ensure that offenders requiring registration whose supervision is transferred to Michigan through the Interstate Compact are registered within three business days after the case becomes active in Michigan, unless the offender already is registered.

REGISTRATION PROCESS

- M. The following steps shall be taken by staff when registering an offender:
 1. Staff shall notify the offender that s/he is being registered as required under the Sex Offenders Registration Act. Except as set forth in no. 2 below, staff shall register the offender by entering the required information in the MSP Sex Offender Registry database. The commitment name shall be used in lieu of the legal name if the offender's legal name cannot be confirmed by government issued documentation (e.g., driver's license; state identification card). The address of the location at which the offender is residing at the time of registration (e.g., correctional facility or jail, apartment, residential programming or therapeutic treatment center, college dormitory) shall be entered as the offender's address; if the offender is homeless, the village, city, or township where the person states s/he spends or will spend the majority of his/her time shall be entered. A brief summary of the offense shall be included in the "Remarks" section, which shall include only the offender's convictions for listed offenses, regardless of when the conviction occurred, including where the offense occurred (i.e., city, township, village, or county), and the original charge if the conviction was for a lesser offense, to the extent known. The completed Michigan Sex Offenders Registration Form (DD-4) and the Explanation of Duties to Register as a Sex Offender Form (DD-4A) shall be printed from the MSP Sex Offender Registry database.
 2. To register an offender convicted of a violation of state law that by its nature constitutes a sexual offense against a victim under 18 years of age at the time of the offense, as determined by the sentencing court, and in any other case where the MSP Sex Offender Registry database will not accept the registration information, staff shall notify MSP that the required information could not be entered and that MSP therefore needs to enter the required information in the MSP Sex Offender Registry database. For such cases, staff shall manually complete Form DD-4 consistent with the requirements set forth in no. 1 above. If registration is for a violation of state law that by its nature constitutes a sexual offense against a victim under 18 years of age at the time of the offense, staff also shall send MSP a copy of the sentencing court's written determination that the offense was sexual in nature and thus requires registration.
 3. Form DD-4A shall be read by or to the offender. Staff shall respond to any questions the offender has regarding his/her responsibilities under the Sex Offenders Registration Act to the best of their ability. Staff shall refer the offender to the information contained on the form and this policy directive for further explanation, if necessary.
 4. Staff shall direct the offender to initial required sections of Form DD-4A as specified on the form. Both staff and the offender shall sign the completed Form DD-4 and Form DD-4A. If the offender refuses to initial Form DD-4A as required or sign either of the forms, that shall be indicated on the form(s). The forms shall be processed and registration completed as set forth below even if the offender refuses to initial Form DD-4A as required or refuses to sign either of the forms.

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5. Forms DD-4 and DD-4A have a place for the signature of a minor offender's parent or guardian. Since the parent or guardian is not usually present at the time the forms are presented to the offender, staff shall indicate in the space provided for the signature that the parent or guardian was not available to sign. If the parent or guardian is present, s/he shall be given the appropriate form to read. After reading the form, the parent or guardian shall be directed to sign the form indicating that s/he understands the offender's duties as explained on the form. If the parent or guardian refuses to sign, that shall be noted in the space provided for the signature.
6. Staff shall give a copy of each of the completed forms to the offender. Staff shall immediately forward the original Form DD-4 and Form DD-4A to MSP except if the offender was previously registered in the State of Michigan, in which case the forms do not need to be forwarded. A copy of all documents sent to MSP, or the original Form DD-4 for an offender previously registered in the State of Michigan, shall be retained in the Record Office, SAI probationer file, or field file, as appropriate.

CHANGE OF ADDRESS NOTIFICATION REQUIREMENTS

- N. A registered offender is required to notify the Department of the location of his/her proposed place of residence or domicile prior to being discharged on the maximum sentence from a correctional facility or being released on parole; the Department is required to forward this information to MSP prior to the offender's release and shall notify MSP if the offender is being deported. The refusal by a registered offender to provide this information to the Department, or knowingly providing false information, is a felony and shall be reported to MSP.
- O. An offender may be registered for a prior offense or an offense for which s/he was not incarcerated within the Department; therefore, staff responsible for reporting a change of address must check LEIN to determine whether the offender is registered for any listed offense and not simply rely on whether the current conviction is for a listed offense when reporting a change of address.

Change of Address Within Michigan

- P. Whenever a registered offender changes his/her address within Michigan, that information is required to be reported to the local law enforcement agency having jurisdiction over the area to which the offender is moving or nearest MSP post designated to receive or enter sex offender registration information. The offender is required to continue to report this information for the period of time required by the Sex Offenders Registration Act.
- Q. Except while incarcerated in a Department facility or while supervised by FOA staff in a residential programming or therapeutic treatment center, registered offenders are personally responsible for reporting their change of address within three business days after the change of address. The Department is responsible for reporting any change of address while the offender is incarcerated in a Department facility or is in a residential programming or therapeutic treatment center.
- R. Correctional Facilities Administration (CFA) staff responsible for reporting a change of address shall report the address change through entry of the required information into the MSP Sex Offender Registry database as set forth below:
 1. If a registered offender is committed to the Department, including to participate in the Special Alternative Incarceration Program (SAI), or is returned to a Department facility as a parole violator, intake staff shall report the change of address. This shall occur within three business days after the offender is received. The new address shall be identified as being the Michigan Department of Corrections unless the offender is received at a secure or non-secure Level I facility, in which case the address shall be the facility address.

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2. If a registered offender transfers to any secure or non-secure Level I facility, even from another Level I facility, staff at the sending facility shall report the change of address at the time the transfer is entered on the Department's computerized database (i.e., CMIS, OMNI). The new address shall be identified as being the address of the facility to which the offender is transferring.
3. If a registered offender transfers from any secure or non-secure Level I facility to a security Level II or higher facility, staff at the sending facility shall report the change of address at the time the transfer is entered on the Department's computerized database. The new address shall be identified as being the Michigan Department of Corrections.
4. If a registered offender will be discharging on his maximum sentence or paroling, staff at the releasing facility shall report the address change immediately prior to the time the release is entered on the Department's computerized database. For parole, the offender's proposed placement as identified on the Parole Board Notice of Parole (CAX-119A) shall be entered. If a registered offender discharging on the maximum sentence refuses to provide staff with his/her new address, staff shall complete a Form DD-4 and document the refusal on the form. Staff shall immediately forward the original Form DD-4 to MSP; a copy shall be provided to the offender and retained in the Record Office file.

S. FOA staff responsible for reporting a change of address shall report the address change through entry of the required information into the MSP Sex Offender Registry database as set forth below:

1. If a registered parolee transfers to an FOA Residential Reentry Program facility, the Supervisor or designee of the receiving location shall report the change of address. This shall occur within three business days after the parolee is received at the facility. The new address shall be identified as being the facility address.
2. If a registered offender transfers to a residential programming or therapeutic treatment center, the supervising field agent shall report the change of address within three business days after the offender is received at the new location. The new address shall be identified as being the address of the residential programming or therapeutic treatment center. A probationer or parolee is required to report his/her change of address upon release, unless the release is to a Department facility.

Change of Address to Another State

- T. A registered offender is required to report in person to the local law enforcement agency having jurisdiction over the area in which the offender resides or is domiciled or nearest MSP post designated to receive or enter sex offender registration information no later than three business days before s/he changes his/her residence or domicile to another state. If moving to another country, the offender must report to the law enforcement agency no later than 21 days before s/he moves. This is required even if the Department is also reporting the new address under this policy.
- U. If a registered offender is being paroled or discharged from a CFA facility directly to another state, including to another correctional facility in another state, staff responsible for reporting a change of address at that facility are required to report the offender's new address. The report shall be made at the time the release is entered on the Department's computerized database through entry of the required information into the MSP Sex Offender Registry database. For parole, the offender's proposed placement as identified on the Parole Board Notice of Parole (CAX-119A) shall be reported. If a registered offender discharging on the maximum sentence refuses to provide his/her new address, staff shall complete a Form DD-4 and document the refusal on the form. The original Form DD-4 shall be immediately forwarded to MSP; a copy shall be provided to the offender and retained in the Record Office file.

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RELEASE OF REGISTERED OFFENDER

- V. In addition to change of address notification requirements, the Department is required to notify registered offenders under its jurisdiction of their responsibilities pursuant to the Sex Offenders Registration Act prior to release from a correctional facility. Therefore, prior to release of a registered offender from a correctional facility, designated staff at the releasing facility shall comply with the following:
1. Form DD-4A shall be read by or to the offender. After reading the form, the offender shall be directed to initial the required sections as specified on the form and directed to sign the form indicating that s/he understands his/her duties as explained on the form. Staff shall respond to any questions the offender has prior to the form being initialed and signed. If the offender refuses to initial the required sections or refuses to sign the form(s), that shall be indicated on the form and MSP notified. The form shall be processed as set forth below even if the offender refuses to initial the required sections or refuses to sign the form.
 2. Form DD-4A has a place for the signature of a minor offender's parent or guardian. Since the parent or guardian is not usually present at the time the form is presented to the offender, staff shall indicate in the space provided for the signature that the parent or guardian was not available to sign. In the rare case when the parent or guardian is present, s/he shall be given the form to read. After reading the form, the parent or guardian shall be directed to sign the form indicating that s/he understands the offender's duties as explained on the form. If the parent or guardian refuses to sign, that shall be noted in the space provided for the signature.
 3. Staff shall complete the form, using the name under which the offender was registered, and sign it. If the offender is being deported, that also shall be noted on the form. A copy of the completed form shall be given to the offender and a copy retained in the appropriate offender file. In CFA, the copy shall be retained in the Record Office file. The original form shall be forwarded to MSP within three business days after completion.

PAROLE OF REGISTERED OFFENDER

- W. If a registered offender is paroled on an offense for which s/he is registered, the Parole Board Order for Parole (CAX-119) shall include a special condition requiring the offender to comply with the Sex Offenders Registration Act. If a registered offender is paroled on an offense other than the one for which s/he is registered, the offender is required to comply with the Act under the general condition of parole requiring compliance with state law.
- X. If a registered offender is paroled, the offender's new address shall be reported as set forth in Paragraphs N and R. After release on parole, a registered offender is required to report any change of address to the local law enforcement having jurisdiction over the area in which s/he is living or nearest MSP post designated to receive or enter sex offender registration information within three business days after the address change, except when staff are required to report the change of address as set forth in this policy directive. It is the responsibility of the supervising agent to monitor compliance with this requirement, as well as all other reporting and verification requirements set forth in this policy.
- Y. On a registered offender's first report date, the field agent shall inform the offender of the applicable verification and reporting requirements. The offender also shall be told that the Parole Board is required to revoke parole for a willful violation of the Act.

VERIFICATION OF ADDRESS/REPORTING REQUIREMENTS

- Z. A registered offender who is not incarcerated is required to maintain a valid operator or chauffeur license, or an official state personal identification card, with a digitized photo and a current address. This includes offenders who are on probation or parole.

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- AA. A registered offender who is incarcerated is required to report in person to the Secretary of State to have a digitized photo taken within three business days after release unless s/he had a digitized photograph taken for an operator or a chauffeur license or state personal identification card before January 1, 2000 or within the preceding two years unless his/her appearance has changed since the photograph was taken. Within three business days after release from incarceration, the offender also is required to report to, and verify his/her new address with, the local law enforcement agency having jurisdiction over the area in which s/he is living or local law enforcement agency having jurisdiction over the area to which the offender is moving or the nearest MSP post designated to receive or enter sex offender registration information. Verification may include presentation of a valid operator or chauffeur license, or official state personal identification card. The agency verifying the address may require additional documentation, such as a voter registration card or utility bill.

CONTINUING REPORTING REQUIREMENTS

- BB. A registered offender who is not incarcerated must report in person to the local law enforcement agency having jurisdiction over the area in which s/he is living or local law enforcement agency having jurisdiction over the area to which the offender is moving or nearest MSP post designated to receive or enter sex offender registration information for the period of time required by the Sex Offenders Registration Act to verify his/her address and other required information in the MSP Sex Offender Registry database. If convicted of a Tier I offense, the offender must report between January 1 and January 15 of each year. An offender convicted of a Tier II offense must report during the first 15 days of January and July. If convicted of a Tier III offense, the offender must report during the first 15 days of January, April, July, and October of each year. The local law enforcement agency is required to provide the offender with documentation confirming date of verification.
- CC. In addition to the reporting requirements set forth in Paragraph BB, a registered offender who is not incarcerated must report in person and notify the local law enforcement agency having jurisdiction over the area to which the offender is moving or nearest MSP post designated to receive or enter sex offender registration information within three business days after the offender does any of the following:
1. Changes employment, including discontinuation of employment.
 2. Enrolls in a college, university, or a public or private trade, vocational or occupational school or changes his/her enrollment status, including discontinuation of enrollment. This does not apply if enrollment and participation is solely through the mail or the Internet from a remote location.
 3. Changes his/her name.
 4. Intends to temporarily reside at any place other than his/her identified residence for more than seven days.
 5. Establishes any electronic mail or instant message address, or any other designation used in Internet communication or postings.
 6. Purchases or begins to regularly operate any vehicle or no longer owns or operates the vehicle.

SCHOOL SAFETY ZONE

- DD. A registered offender is prohibited for residing, working, or loitering within an area that lies 1,000 feet or less from school property except as specifically authorized under MCL 28.734 through MCL 28.736.

FAILURE TO COMPLY WITH REQUIREMENTS OF ACT

- EE. It is a violation of state law for an offender who is required to be registered pursuant to the Sex Offenders Registration Act to willfully fail to comply with all requirements of that Act, including registration fee, change of address, and address verification requirements. An offender under the

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jurisdiction of the Department who refuses or fails to comply with requirements of the Act shall be reported to the MSP post responsible for the county in which the offender is being supervised unless otherwise indicated in this policy.

- FF. In addition to any special condition of probation or parole that may be added requiring compliance with the Sex Offenders Registration Act, it is a standard condition of probation and parole to comply with state law. Therefore, failure to comply with the requirements of the Sex Offenders Registration Act also is a violation of probation or parole.
- GG. If a probationer or parolee required to be registered refuses or fails to comply with requirements of the Act, the supervising agent shall initiate probation or parole violation proceedings, as appropriate. In addition, the probationer or parolee shall be reported to the MSP post responsible for the county in which the offender is being supervised. In the case of a probationer, the supervising field agent shall notify the sentencing court that the Act requires revocation of probation for willful violation of the Act. In the case of a parolee, the Parole Board shall revoke parole for willful violation.

DELETION OF INFORMATION FROM THE MSP SEX OFFENDER REGISTRY DATABASE

- HH. If a registered offender under the jurisdiction of the Department dies, was registered in error, or no longer is required to be registered (e.g., a conviction for which s/he was required to register has been reversed by a court), information on the offender shall be removed from the MSP Sex Offender Registry database; only MSP shall remove information from the MSP Sex Offender Registry database. After confirming the information should be deleted from the MSP Sex Offender Registry database, staff shall send a written request to MSP to delete the information. A copy of the request and supporting documentation shall be placed in the Record Office and Counselor files, SAI probationer file, or field file, as appropriate.
- II. Any questions regarding the entry or removal of information from the MSP Sex Offender Registry database shall be forwarded through the appropriate chain of command to the Records Administrator, Central Records Section, CFA, or the Manager of the Special Programs Section in the Office of Parole and Probation Services, FOA, as appropriate..

OPERATING PROCEDURES

- JJ. Wardens and the FOA Deputy Director shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

AUDIT ELEMENTS

- KK. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

ATTACHMENTS

- LL. This policy includes the following attachments:

1. Attachment A - Conviction After October 1, 1995 But Before July 1, 2011
2. Attachment B - Conviction On or After September 1, 1999 But Before July 1, 2011
3. Attachment C - Conviction On or After July 1, 2011

APPROVED: RMcK 05/25/11

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ATTACHMENT A

CONVICTION AFTER OCTOBER 1, 1995 BUT BEFORE JULY 1, 2011

- A. Registration is required for the following offenses:

<u>MCL</u>	<u>DESCRIPTION</u>
750.145a	Accosting, enticing, soliciting child for immoral purposes
750.145b	Accosting, enticing, soliciting child for immoral purposes - second offense
750.145c	Child sexually abusive activity or material
750.455	Pandering
750.520	Rape
750.520b	First degree criminal sexual conduct
750.520c	Second degree criminal sexual conduct
750.520d	Third degree criminal sexual conduct
750.520e	Fourth degree criminal sexual conduct
750.520f	Second or subsequent criminal sexual conduct offense
750.520g	Assault with intent to commit criminal sexual conduct

- B. Registration is required for a third or subsequent conviction for any combination of the following offenses or substantially similar local ordinances:

<u>MCL</u>	<u>DESCRIPTION</u>
750.167(1)(f)	Disorderly person - indecent or obscene conduct (misdemeanor)
750.335a	Indecent exposure (misdemeanor) (prior to February 1, 2006 amendment)
750.335a(2)(a)	Indecent exposure (misdemeanor) - includes if convicted of violating MCL 750.335a(1) on or after February 1, 2006 <u>if</u> sentenced under MCL 750.335a(2)(a).
750.335a(2)(c)	Indecent exposure (misdemeanor) - includes if convicted of violating MCL 750.335a(1) on or after February 1, 2006 <u>if</u> sentenced under MCL 750.335a(2)(c).

- C. Registration is required for the following:

Conviction for attempt or conspiracy to commit an offense identified in this Attachment. This includes a violation of MCL 750.92 "Attempt to commit a crime", MCL 750.157a(a) or "Conspiracy to commit offense or legal act in illegal manner" if the underlying offense is identified in this Attachment.

A habitual offender sentenced under MCL 769.10, 769.11, or 769.12, if the vacated offense is identified in this Attachment, including attempt or conspiracy to commit the offense.

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ATTACHMENT B

CONVICTION ON OR AFTER SEPTEMBER 1, 1999 BUT BEFORE JULY 1, 2011

- A. Registration is required for the following offenses:

<u>MCL</u>	<u>DESCRIPTION</u>
750.10a	Sexually delinquent person
750.350	Kidnapping child under 14

- B. Registration is required for the following offenses if the victim was under 18 years of age at the time of the offense.

<u>MCL</u>	<u>DESCRIPTION</u>
750.158	Crime against nature or sodomy
* 750.338	Gross indecency between male persons
* 750.338a	Gross indecency between female persons
* 750.338b	Gross indecency between male and female persons
750.349	Kidnapping
750.448	Soliciting and accosting

Registration is not required for juvenile disposition or adjudication for those offenses identified by an asterisk.

- C. Registration is required for the following:

A violation of MCL 750.335a(2)(b) "Indecent exposure", or MCL 750.335a(1) if sentenced under MCL 750.335a(2)(b), if previously convicted of violating any section of MCL 750.335a.

A violation of state law that by its nature constitutes a sexual offense if the victim was under 18 years of age at the time of the offense. This shall be based on the sentencing court's written determination as to whether the conduct underlying the offense for which the offender was convicted was sexual in nature and therefore requires registration.

Conviction for attempt or conspiracy to commit an offense identified in this Attachment. This includes a violation of MCL 750.92 "Attempt to commit a crime", MCL 750.157a(a) or "Conspiracy to commit offense or legal act in illegal manner" if the underlying offense is covered by this attachment.

A habitual offender sentenced under to MCL 769.10, 769.11, or 769.12, if the vacated offense is covered by this attachment, including attempt or conspiracy to commit the offense.

ATTACHMENT C

CONVICTION ON OR AFTER JULY 1, 2011

A. Registration is required for the following offenses:

<u>MCL</u>	<u>DESCRIPTION</u>
750.145a	Accosting, enticing, soliciting child for immoral purposes
750.145b	Accosting, enticing, soliciting child for immoral purposes - second offense
750.145c(2)	Production of child sexually abusive material
750.145c(3)	Distribution of child sexually abusive material
750.145c(4)	Possession of child sexually abusive material
750.145d(1)(a)	Use of internet or computer system for specially identified offenses (does not apply if arising out of a violation of MCL 750.157c.)
750.349	Kidnapping (applies only if victim was under 18 at time of offense)
750.350	Leading, taking, carrying away, decoying, or enticing away child under 14
750.455	Pandering
* 750.520b	First degree criminal sexual conduct
750.520c	Second degree criminal sexual conduct
* 750.520d	Third degree criminal sexual conduct
* 750.520g(1)	Assault with intent to commit criminal sexual conduct
750.520g(2)	Assault with intent to commit criminal sexual conduct
* Does not apply if the court determines <u>both</u> of the following:	
1. That the victim was at least 13 years of age but less than 16 years of age and consented to the conduct.	
2. That the offender was not more than four years older than the victim.	

B. Registration is required for any violation of state law or local ordinance that by its nature constitutes a sexual offense if the victim was under 18 years of age. Except for the following offenses, this shall be based on the sentencing court's written determination as to whether the conduct underlying the offense for which the offender was convicted was sexual in nature and therefore requires registration; the following offenses require registration:

<u>MCL</u>	<u>DESCRIPTION</u>
** 750.158	Crime against nature or sodomy
750.335a(2)(b)	Indecent exposure - fondling
750.335a(2)(b)	Indecent Exposure
*** 750.338	Gross indecency between male persons
*** 750.338a	Gross indecency between female persons
*** 750.338b	Gross indecency between male and female persons
750.349b	Unlawful imprisonment
750.448	Soliciting, Accosting, or Inviting to commit prostitution or immoral act
750.539j	Surveillance of or distribution, dissemination, or transmission of recording, photograph, or visual image of individual having reasonable expectation of privacy

- ** Does not apply if the victim consented to the conduct and either of the following apply:
1. The victim was at least 13 years of age but less than 16 years of age and the offender was not more than four years older than the victim.
 2. The victim was 16 or 17 years of age and was not under the custodial authority of the offender at the time of the offense.

- *** Does not apply if the court determines either of the following:
1. That the victim was at least 13 years of age but less than 16 years of age and consented to the conduct and the offender was not more than four years older than the victim.

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2. That the victim was 16 or 17 years of age and consented to the conduct and was not under the custodial authority of the offender at the time of the offense.

- C. Registration is required for the following offense if the victim was 13 years of age or older; if the victim was under 13 years of age, registration is required if the offender was 17 years of age or older.

<u>MCL</u>	<u>DESCRIPTION</u>
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750.520e	Fourth degree criminal sexual conduct
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- D. Registration is required for the following:

Conviction for attempt or conspiracy to commit an offense identified in this Attachment. This includes a conviction for MCL 750.92 "Attempt to commit a crime", MCL 750.157a(a) or "Conspiracy to commit offense or legal act in illegal manner" if the underlying offense is identified in this Attachment.

A habitual offender sentenced under MCL 769.10, 769.11, or 769.12, if the vacated offense is identified in this Attachment, including attempt or conspiracy to commit the offense.

Conviction of an offense substantially similar to an offense identified in this Attachment under a law of the United States that is specifically enumerated in 42 USC 16911, under a law of any state or any country, or under tribal or military law.

A conviction for any offense committed by an offender who was, at the time of the offense, a sexually delinquent person as defined in MCL 750.10a.